

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

EASTERN DIVISION

ARMEND A. TRNAVA,)	
)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 20 CV 928
)	
CHICAGO CUT STEAKHOUSE, LLC)	
)	
)	
Defendant.)	

COMPLAINT

PARTIES TO THIS COMPLAINT

A. The Plaintiff

1. The Plaintiff in this case is 35 year old male, Armend Trnava, a resident of Chicago, Illinois.
2. The plaintiff was born and raised in the eastern European county of Kosovo, and although he speaks English fluently, he does speak five languages and speaks with a heavy foreign accent.
3. Armend Trnava is a practicing Muslim.
4. The plaintiff is a former employee of the defendant.

B. The Defendant

5. The Defendant, Chicago Cut Steakhouse, LLC, is an Illinois Limited Liability Corporation based out of Chicago, Illinois.
6. The defendant operates as high-end restaurant (steakhouse) in Chicago and has more than 15 employees.
7. The defendant employed the plaintiff from December of 2017 to October of 2018.

JURISDICTION

8. This action is brought for discrimination in employment pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e et seq for discrimination based on national origin and religion.
9. This action is also brought for relevant state law violations, including breach of contract 735 ILCS 5/13-206 of contract and discrimination and harassment under the Illinois Human Rights Act 775 ILCS 5/101 et seq.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. The plaintiff filed a discrimination charge with the Equal Employment Opportunity Commission (hereinafter "EEOC"), regarding the defendant's alleged discriminatory conduct on February 17, 2019, Charge No. 440-2019-02760.
11. On November 11, 2019 the plaintiff received a dismissal and Right to Sue notice from the EEOC given 90 days to file a lawsuit with this Court.
12. However, plaintiff requests of this Honorable Court to take notice that although the plaintiff received the Right to Sue letter from the EEOC, the letter misrepresented the truth as to the statement that an "investigation of the plaintiff's claim" had been conducted. See Exhibit A.

STATEMENT OF FACTS

13. Plaintiff, Armend Trnava, is an Islamic Muslim from the county of Kosovo. He has been a U.S. Citizen since 2018.
14. His is an experienced, professional in the restaurant industry both here in the United States, and in Kosovo.
15. In December of 2017, Trnava was offered the position of front of house manager by the Chief Operating Officer of Chicago Cut Steakhouse, Matthew Moore. He was given a formal offer in writing for the position with a starting salary of \$70,000 per year.
16. Trnava accepted the offer for the position and began employment as front of house manager with Chicago Cut Steakhouse on or about January 2018.
17. Despite the terms of the contract, Armend Trnava was only paid \$60,000 per year, \$10,000 less than the agreed upon salary. He also was delegated to work at Southern Cut, a sister restaurant of the defendant for a few months. Plaintiff's complaints in regard to his salary were made to the owners, and ignored or met with ambiguous responses about the salary would change and it never occurred.
18. Armend complained to the owners, Matthew Moore and David Flom. They agreed with the plaintiff that \$70,000 per year was the offered salary. However, they refused to comment as to why he wasn't being paid that rate.
19. Throughout the time of his employment with the defendant, through its owners and managers of the restaurant, continually allowed the employees who the plaintiff managed in a company comprised of over 200 employees encouraged all of the staff at one of two locations, the main one, the Steakhouse, located in Chicago, Illinois, to

continuously harass Trvava about his ethnicity and religion, his language, place of national origin, his sexual anatomy, creating a hostile and solitary work environment for Mr. Trnava, and ultimately was the cause of his wrongful and retaliatory discharge.

20. The plaintiff was discharged as a result of his making complaints to upper management and perhaps one or more equity owners and/or investors in the business enterprise.

21. One event which on information and belief is in violation of both Federal and State of Illinois civil rights laws, occurred as follows:

- a. The Plaintiff, wrote several emails to the owners, complaining how the staff became insubordinate towards him and how he felt discriminated against, and the employees unprofessional and hurtful conduct towards him and requested it be addressed.
- b. The owners, and investors, did nothing to address the staff or remedy the issue despite the numerous complaints the plaintiff made to them.

CAUSES OF ACTION

COUNT 1-VIOLATION OF THE CIVIL RIGHTS ACT OF 1964

22. Plaintiff realleges paragraphs 1-23 as fully pleaded herein.

23. Plaintiff is in a protected class as he is genetically a part of an ethnically and physiognomically distinctive group, that being from the country of Kosovo.

24. The plaintiff was denied an equal employment opportunity because of his ancestor's, place of origin; and because he has the physical, cultural, or characteristics of a Kosovo national origin group.

25. The plaintiff was denied equal opportunity because of his religious practices and Islamic beliefs, and the extreme prejudice of its owners, managers, and employees.
26. Defendant is a covered employer under 42 U.S.C. § 2000e(b) as it is a limited liability company is a “person” under the Act, as Chicago Cut Steakhouse, LLC is an employer of at least 15 people for employees for each working day for 20 or more calendar weeks in the current or preceding calendar year.
27. As a result of the continuous intentional harassment received by the plaintiff, and the defendant’s refusal to take any action to prevent or control it, was so severe and pervasive as to alter the conditions of his employment and create an abusive working environment.
28. As a direct and proximate result of the wrongful conduct of the defendant, the plaintiff has suffered loss of income, emotional distress and mental anguish, attorneys fees, and injury to his professional reputation.

COUNT II- VIOLATION OF THE ILLINOIS HUMAN RIGHTS ACT

29. Plaintiff repleads paragraphs 1-28 as fully pleaded herein.
30. Plaintiff is in a protected class as he is genetically a part of an ethnically and physiognomically distinctive group, that being from the country of Kosovo.
31. The plaintiff was denied an equal employment opportunity because of his ancestor’s, place of origin; and because he has the physical, cultural, or characteristics of a Kosovo national origin group.
32. The plaintiff was denied equal opportunity because of his religious practices and beliefs.

33. Defendant is a covered employer under 775 ILCS 5/2-110 as it is a limited liability company is a “person” under the Act, as Chicago Cut Steakhouse, LLC is an employer of at least 15 people for employees for each working day for 20 or more calendar weeks in the current or preceding calendar year.
34. As a result of the continuous harassment received by the plaintiff, it was so severe and pervasive as to alter the conditions of his employment and create an abusive working environment.
35. As a result of the deliberate inactions of owners and upper management in either addressing or attempting to remedy the harassment and discrimination , the plaintiff suffered damages to his person.

COUNT III-Retaliatory Discharge

36. Plaintiff repleads paragraphs 1-35 as though fully pleaded herein.
37. That as a proximate result of the plaintiff’s complaints about the discrimination and harassment he received by the defendant’s staff, the defendant retaliated against the plaintiff.
38. As a result of the deliberate inactions of owners and upper management in either addressing or attempting to remedy the harassment and discrimination , the plaintiff suffered loss of income, emotional and mental anguish, pain and suffering, future suffering, loss of professional reputation, loss of employee benefits.

COUNT IV- INTENTIONAL BREACH OF CONTRACT

39. Plaintiff repleads paragraphs 1-38 as though fully pleaded herein.

40. On December 14, 2017, the defendant and the plaintiff entered into an employment contract with a meeting of the minds, as to the plaintiff's employment, setting forth duties, location, and salary with the defendant.

41. The Defendant intentionally violated the agreed terms of the contract by paying the plaintiff less than the written, agreed amount.

42. As a proximate result, the plaintiff suffered monetary damages including income and employee benefits.

WHEREFORE, the plaintiff respectfully request judgment against the defendant for compensatory damages, future and past pain and suffering, loss of enjoyment of life, the differences in amount of the breach of contract, punitive damages, attorneys fees and costs and any other remedy this Court feels is fair and just.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully Submitted

/s/ Allison K. Muth

Attorney for Plaintiff

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